

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOHN FOY,

Plaintiff,

v.

CIV 20-1114 KBM

ANDREW SAUL,
Commissioner of Social Security,

Defendants.

ORDER TO CURE DEFICIENCY

Mr. Foy seeks judicial review of an adverse decision on his application for social security benefits. See *Doc. 1*. He filed an “Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form).” See *Doc. 2*. The application instructs the plaintiff to “[c]omplete all questions in this application” See *id.* at 1. Mr. Foy’s application is not complete. For example, the space for his expected income next month is blank. See *id.* In the space regarding his “spouse’s employment history for the past two years,” Mr. Foy lists one employer beginning in May 2019. See *id.* at 2. If his spouse was unemployed prior to that time, he needs to indicate that on the form.

Mr. Foy further indicates that he pays \$1,420 per month in rent or mortgage, and his spouse pays \$1,605 in rent or mortgage.¹ See *id.* at 4. It appears, though, that Mr. Foy and his spouse own one home valued at \$250,000. *Id.* at 3. Mr. Foy should clarify whether he owns or rents property separately from his spouse. Finally, Mr. Foy states that he has filed for bankruptcy. *Id.* at 5. The Court has been unable to locate a bankruptcy petition under Mr. Foy’s name.

¹ Mr. Foy also lists separate amounts that he and his spouse pay for homeowner’s or renter’s insurance, but he does not list separate amounts for utilities. See *Doc. 2* at 2.

Mr. Foy's application is deficient because he has not completely answered the questions, and the Court requires clarification as stated herein. The Court will grant Mr. Foy 14 days to either file an amended application or pay the \$400.00 fee to initiate this case. **If he chooses to file an amended application, he shall attach a copy of his bankruptcy petition and the docket and disposition (if applicable) of his bankruptcy case.** Failure to file an amended "Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)" or pay the \$400.00 fee within 14 days from entry of this order as directed may result in dismissal of this case without prejudice. If Mr. Foy chooses to file an amended application, failure to follow the instructions on the "Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)" may result in denial of his application to proceed without prepaying fees or costs. Any papers that Mr. Foy files in response to this order must include the civil cause number (CIV 20-1114 KBM) of this case.

IT IS ORDERED that Mr. Foy, within 14 days from entry of this order, shall either file an amended "Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)" with attachments as described in this Order or pay the \$400.00 fee for instituting a civil action.

IT IS ALSO ORDERED that the Clerk send to Plaintiff, together with a copy of this order, an "Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)."



UNITED STATES MAGISTRATE JUDGE